

### **REMARKS**

This communication is in response to the first Office Action dated February 27, 2006. In that Office Action, the Examiner rejected all of the claims as being anticipated by U.S. Patent No. 6,388,709 to Kobayashi et al. The Examiner also noted an omission to the specification. Applicant has amended the specification in accordance with the Examiner's suggestion.

Turning now to the rejection of the claims based upon the prior art, applicant has reviewed the cited reference and respectfully submits that there are significant patentable differences between the claimed invention and Kobayashi. Specifically, while Kobayashi does teach the use of varying opacity filters, Kobayashi does not teach the use of color filters that can automatically vary opacity.

As noted in Col. 12, lines 35-37, the filters 115 are controlled by a signal from the filter controller 117. Thus, the controller must "actively" send a signal to the filters 115 before the filters are changed.

Additionally, the filters 115a-c correspond to red, green, and blue filters that completely cover the imaging array. Three separate exposures are taken of the image, one exposure with each filter activated. The three exposures are then integrated to form a high quality color image. See Cols. 13-14.

In contrast, the claimed invention as amended requires a color filter that has automatically varying opacity without the need for a control signal. This limitation is not fairly shown in Kobayashi.

The automatically varying opacity of the claimed color filters is advantageous for a variety of reason. First, as detailed in the specification, this allows the use of the image sensor in widely varying light conditions. Second, by being automatically varying, there is

no need for user intervention or control. Third, there is no need for control circuitry which adds size, weight, and power consumption to the image sensor.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0665, under Order No. 384938057US from which the undersigned is authorized to draw.

Dated:

3/15/06

Respectfully submitted,

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